

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH M. JOHNSON,

Plaintiff,

v.

ALAN BLAKE, et al.,

Defendants.

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No. 4:12-CV-510 JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Third Amended Complaint. (Doc. No. 109) In support of his motion, Plaintiff states he recently learned during discovery of facts sufficient to properly plead a failure to protect claim against Scott Jordan. Plaintiff seeks to add Scott Jordan as a defendant in this action. Defendants oppose Plaintiff's motion, arguing that he has failed to show good cause for joining a defendant at this late stage of the proceedings. (Doc. No. 111)


Upon consideration, the Court finds that Plaintiff has shown good cause to amend the pleadings under Fed.R.Civ.P. 16(b)(4) and that Defendants have failed to establish undue delay or prejudice in support of denial under Fed.R.Civ.P. 15(a). Discovery remains open; in fact, on December 18, 2014, the Court granted the parties' joint motion to extend the discovery and dispositive motion deadlines in this case. (Doc. No. 97) The Third Amended Complaint is based on the same facts alleged in the original complaint and the trial date remains six months away.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Third Amended Complaint [109] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall detach and docket Plaintiff's Third Amended Complaint which was submitted as an attachment to its motion for leave.

IT IS FURTHER ORDERED that the Clerk of Court shall cause process to issue to Scott Jordan upon the Third Amended Complaint.


JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 10th day of April, 2015.